

VICTOR SANTIAGO,)
)
 Plaintiff,)
)
 v.) No. 4:09CV933 HEA
)
 DANIEL BLAIR, et al.,)
)
 Defendants.)

Before the Court is Plaintiff's motion to reinstate John Doe as a defendant in this action. Plaintiff's motion corresponds with this Court's October 15, 2009 Order in which the Court instructed Plaintiff to provide it with John Doe's proper name and address by November 14, 2009, so that service of process could be effectuated.

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his civil rights. Specifically, plaintiff asserts that he was subjected to excessive force by defendant correctional officers at Potosi Correctional Center in July of 2008. Plaintiff additionally alleges that he was retaliated against for filing grievances against defendants regarding their purported use of excessive force. Although Plaintiff has specifically named five of the defendants in this action, he has used the

pseudonym “John Doe” to identify the sixth defendant who was allegedly involved in the incidents giving rise to Plaintiff’s claim.

In his motion regarding service on John Doe, Plaintiff requests time to engage in discovery with the five named defendants so that he can ascertain the name and contact information of “John Doe” defendant. Because Plaintiff makes specific allegations against this defendant in his complaint, the Court will grant his request. Plaintiff will be granted leave to provide the Court with defendant Doe’s proper name and address as soon as this information is ascertained during the designated discovery period. However, Plaintiff’s failure to provide the Court with this information within ten (10) days of the discovery deadline¹ will result in a dismissal of Defendant Doe, without prejudice, pursuant to Fed.R.Civ.P. 41(b).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s motion to reinstate John Doe as a defendant [Doc. #15] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff has until ten (10) days after the close of discovery in this matter to provide the Court with Defendant Doe’s name and address such that service upon Defendant Doe can be effectuated. Plaintiff’s

¹The discovery deadline will be set in the Case Management Order, to be issued at some later date by this Court.

failure to provide the Court with such information by this date will result in a dismissal of Defendant Doe, without prejudice, pursuant to Fed.R.Civ.P. 41(b).

Dated this 9th day of November, 2009.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE